

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendments to Parts 73 and 90	)	RM-9719
Of the Commission's Rules	)	
To Authorize the Transmission	)	
Of Emergency Signals on Channel 200	)	
	)	
	)	

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**Comments of  
the National Association of Broadcasters**

The National Association of Broadcasters ("NAB")<sup>1</sup> submits the following comments in response to the above-captioned *Petition for Rulemaking* ("Petition").<sup>2</sup> NAB opposes the institution of a proceeding to allocate Channel 200 for an Emergency Radio Data System ("ERDS") as proposed by the Petition. NAB believes the Petition should be denied because the need for such a public safety proposal is unfounded or it could be accommodated in other spectrum specifically allotted for such a service. Additionally, the Petition does not provide enough assurance that harmful interference will not result to viewers and listeners of TV Channel 6 and FM stations operating on 88.1 MHz, or that the transition to digital radio is not affected. Thus, the Petition must be denied.

<sup>1</sup> NAB is a non-profit, incorporated association of radio and television stations and broadcast networks which serves and represents the American Broadcasting industry.

<sup>2</sup> In the matter of Amendments to Parts 73 and 90 of the Commission's Rules to Authorize the Transmission of Emergency Signals on Channel 200, RM-9719, placed on Public Notice on September 14, 1999.

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## **I. BACKGROUND**

Federal Signal Corporation (“Federal Signal”) filed its Petition on August 2, 1999, asking the Commission to amend its rules to provide nationwide, exclusive use of ERDS by existing and future public safety licenses. *Petition* at 1. ERDS provides emergency voice and data messages when the ERDS transmitter is activated and broadcasting an emergency message. The system automatically tunes the radio to the appropriate frequency, turns on the radio if it is not in use, or pauses a cassette or CD player to provide the emergency message.<sup>3</sup> *Petition* at 5-6. Federal Signal believes its system “largely eliminates existing radio warning system flaws” because it is extremely localized and mobile. *Petition* at 3.

## **II. NEED FOR ERDS IS UNFOUNDED.**

Notwithstanding the speculative effectiveness of such a proposal, NAB questions the necessity of an ERDS-type system. Existing public safety systems such as the Travelers Information Service (“TIS”) and Emergency Alert System (“EAS”)<sup>4</sup> provide adequate public safety service without the obtrusive nature of an ERDS system. It is questionable whether it is the role of the Government to implement a system that overrides the personal choices of individuals. Further, Federal Signal cites to motor vehicle crash statistics from the National Highway Traffic Safety Administration as justification for this service. However, this does not prove that existing public safety systems are ineffective or that ERDS will reduce or eliminate

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<sup>3</sup> This assumes that the car owner has not “turned off” the ERDS function. Federal Signal notes in its Petition that motorists may disengage the receiver capability. *Petition* at 5.

<sup>4</sup> The Commission spent a substantial amount of time updating EAS across the country and requires broadcasters to relay the emergency messages. If ERDS were implemented, the Commission would have less justification for maintaining the EAS. Although EAS may not be as mobile or localized as the proposed service, its effectiveness in times of crisis are unquestionable.

these statistics. In fact, given the likelihood that many will either turn off the ERDS or replace their car radio with a non-ERDS receiver, the overall effectiveness presumed by Federal Signal is reduced.

If the Commission finds that ERDS is indeed necessary, NAB believes this proposed system should be established as part of the public safety spectrum allotment provided by the Balanced Budget Act of 1997,<sup>5</sup> and implemented by the Commission in 1998.<sup>6</sup> Through the initial direction by Congress, the Commission has already allocated substantial spectrum for public safety systems. In its *First Report and Order*, the Commission established a “flexible” regulatory framework for use of the 700 MHz band<sup>7</sup> in order for public safety organizations to, among other things, “promote development of innovative public safety technologies.” *First Report and Order* at ¶ 6. The intent and purpose of the public safety spectrum in the 700 MHz band clearly fits the intent and purpose of the proposed system in the Petition. The Commission should first look to this spectrum because it is expressly allocated for this type of service and Petitioners have not assured that the technical integrity of the FM and TV bands will be preserved if the Commission were to allocate Channel 200 as proposed.

### **III. THE COMMISSION SHOULD FOCUS ON PRESERVING SPECTRUM INTEGRITY.**

NAB believes strongly in protecting spectrum integrity. The Commission’s primary focus should center on maintaining an environment that allows the most effective and efficient

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<sup>5</sup> Balanced Budget Act of 1997, Pub. L. No. 105-33, § 3004 (1997).

<sup>6</sup> See *First Report and Order and Third Notice of Proposed Rulemaking* in WT Docket No. 96-86, released September 29, 1998 [hereinafter *First Report and Order*].

<sup>7</sup> The “700 Mhz band” refers to new newly-reallocated public safety spectrum at 764-776 MHz and 794-806 MHz (otherwise known as TV channels 63-64 and channels 68-69). See *id.* at ¶ 2.

use of the spectrum without degradation. There is no assurance from the instant Petition that existing FM and TV stations will not suffer interference. Additionally, the Commission must also consider how such a system would affect radio's future transition to digital.

**A. The Petition's Technical Data is Insufficient.**

Federal Signal admits that there will be some interference resulting from an ERDS transmitter operating on Channel 200. *Petition* at 6. It believes this interference potential is limited mainly to TV Channel 6 and claims that its test results show no interference to adjacent channel FM stations. *Id.*

Federal Signal conducted limited testing for interference to both FM stations operating at 88.1 and to TV Channel 6 operations. As far as testing for FM interference, Federal Signal only tested two ERDS receivers to determine whether interference was present. *Petition* at 7. There was no testing done on other types of receivers that are more susceptible to interference such as portable radios, personal radios (i.e., Walkman) or clock radios. An apparent explanation for the lack of testing is that Federal Signal believes that "the mobile ERDS transmitter is unlikely to approach a fixed (household) FM receiver site sufficiently close to disrupt it." *Petition* at 7. This speculation is no justification for the omission of testing. There could be many instances where stationary ERDS transmitters would be in close proximity to fixed FM receivers.<sup>8</sup>

As part of another proceeding currently pending at the FCC, NAB conducted a detailed and comprehensive receiver study that concludes that various types of receivers perform differently at rejecting undesired signals. *See* Comments of NAB in MM Docket 99-25 (filed August 2, 1999). NAB's testing was limited to testing second and third adjacent channel

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<sup>8</sup> The descriptive materials contained in Attachment B of the Petition provide numerous examples of stationary ERDS uses such as road construction sites, railroad crossings, travelers information systems and residential neighborhoods.

interference. On average, our test results indicate that while car radios and some home stereos can reject second and third adjacent channels fairly well, portable, personal and clock radios generally are poor performers. *Id.* Thus, these radios are unable to adequately reject interference from stations operating on the second or third adjacent channel. While Federal Signal's proposal includes a very low ERP, the transmitters would operate on an immediately adjacent channel, which could likely have some effect on FM operations on 88.1. However, Federal Signal did not test any receivers except for the two ERDS receivers. There is no assurance from the limited testing submitted that interference will not be present in "fixed" receivers in the immediate vicinity of a "fixed" ERDS transmitter.

Additionally, Federal Signal relies on extremely limited testing regarding interference to TV Channel 6 reception – a larger concern for interference because Channel 200 is actually part of the 6 MHz allotment for TV Channel 6. Historically, TV Channel 6 has faced numerous obstacles and the Commission should not make a bad situation worse by moving forward with this proposal.<sup>9</sup>

Federal Signal only tested three TV receivers, again relying on the premise that all ERDS transmitters will be mobile, thus decreasing the chances of interference. *Petition* at 8. As before, there is no indication that fixed ERDS transmitter sites will not be established or that mobile transmitters would not operate near houses with television sets. The Commission cannot move forward with a proceeding based on such limited testing regarding the precarious TV Channel 6 interference issue.

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<sup>9</sup> The Commission has long toiled with providing interference protection to Channel 6, culminating in detailed regulation. *See* 47 C.F.R. § 73.525 (1998). *See also Third Report and Order* in Docket No. 20735, 57 RR 2d 107 (1984); *Memorandum Opinion and Order* in Docket No. 20735, 58 RR 2d 629 (1985).

**B. The Commission Should Look to the Future of Digital.**

The current Commission is in a position unlike any other in the past. It is presently overseeing the beginning of a new era in TV broadcasting with the rollout of DTV service and it is on the threshold of implementing digital radio service for existing terrestrial radio stations.<sup>10</sup> Now is not the time to continue to languish in the world of analog broadcasting by establishing services that place speed bumps in the road to digital. NAB has played an active role in getting on the digital road and keeping to the course. At this point in time television stations are ahead of the game and still moving forward. NAB believes that the radio industry will be making the same trek – most likely in the form of In-Band, On-Channel (“IBOC”) digital radio service. Yet, the Commission has yet to fully move forward regarding digital radio.<sup>11</sup>

There are two issues that are raised with the instant Petition as it pertains to IBOC digital radio. First, as is generally understood, the basic IBOC system relies on placing the digital signal in the “sidebands” of the main channel, increasing the possibility for interference from new services in the FM band. In effect, this makes the digital signal “closer” to the immediately adjacent channel. Under the Petition’s proposal, one of the sidebands of the 88.1 MHz signal could be affected by the ERDS signal operating on 87.9 MHz, and vice versa. Second, Federal Signal states that the “Federal Signal/Delco ERDS receiver has been designed to transition to Digital Audio Broadcasting.” The world of IBOC promises to allow for many different options. The Commission should look to the future first, rather than shoehorning new technologies into existing analog service.

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<sup>10</sup> See *Order* in MM Docket 99-25 (released September 17, 1999); Petition for Rule Making, RM-9395, filed by USA Digital Radio (filed October 7, 1998).

<sup>11</sup> The Commission has stated its intention to begin a *Notice of Proposed Rule Making* regarding digital radio by the end of October.


#### IV. CONCLUSION

The Commission should not move forward with a rulemaking proceeding regarding Federal Signal's proposal for ERDS. Nothing in the Petition shows that existing public safety systems are ineffective or that the ERDS would be more effective. Further, allocated public safety spectrum could be used for the proposed service instead of Channel 200. Additionally, the Petition lacks adequate testing to assure no interference to existing – or future – service. NAB urges the Commission to look to the future and allow for an easy transition to digital TV and radio, a process that should not be further complicated by continued attempts to degrade the integrity of the spectrum.

Respectfully Submitted,

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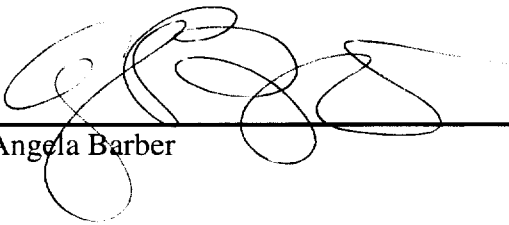
## **CERTIFICATE OF SERVICE**

I, Angela Barber, Legal Secretary for the National Association of Broadcasters, hereby certifies that a true and correct copy of the foregoing Comments of the National Association of Broadcasters was sent this 14<sup>th</sup> day of October, 1999, by first-class mail, postage prepaid, to the following:

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